

ORDINANCE NO. 07-35

ORDINANCE REZONING PROPERTY FROM CR (COMMERCIAL RESIDENTIAL DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW 26 PARKING SPACES, WHERE 30 SPACES ARE REQUIRED, CONTRA TO HIALEAH CODE § 98-2189(4)(j). **PROPERTY LOCATED AT 201 EAST 2 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 28, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby rezoned from CR (Commercial Residential District) to CBD (Central Business District) and is granted a variance permit to allow 26 parking spaces, where 30 spaces are required, contra to Hialeah Code § 98-2189(4)(j), which provides in pertinent part: "*Mixed commercial-residential use*. The parking spaces required for the residential component shall be governed by the requirements of the R-3-8 multifamily zoning district [one and one-half parking spaces for the first 15 units and 1.20 parking spaces for each additional unit], and the parking spaces for the commercial component shall be governed by one-half of the CBD central business district zoning district requirements for the applicable commercial uses [one parking spaces for each 550 square feet of gross floor area]."

Property located at 201 East 2 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE WEST 100.00 FEET OF LOTS 22, 23 AND 24,
BLOCK 4, TOWN OF HIALEAH, ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK 5,
PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-
DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

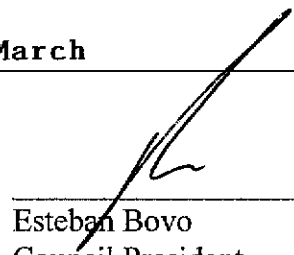
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah or at the next

regularly scheduled City Council meeting if the Mayor's signature is withheld or if the city council overrides the Mayor's veto.

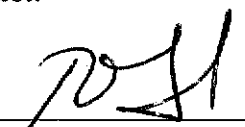
PASSED and ADOPTED this 27th day of March, 2007.



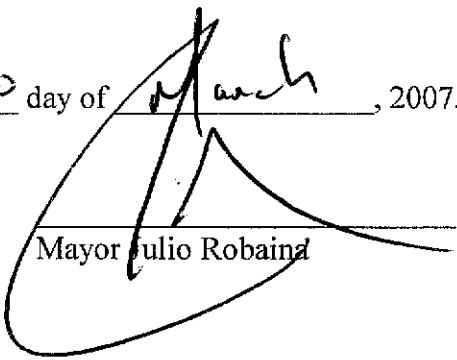
Esteban Bovo
Council President

Attest:

Approved on this 30 day of March, 2007.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".